

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE**

GEORGE MILLION,	)	
	)	Case No. 3:22-cv-453
<i>Plaintiff,</i>	)	
	)	Judge Travis R. McDonough
v.	)	
	)	Magistrate Judge Jill E. McCook
DAVID B. RAUSCH, Director of the	)	
Tennessee Bureau of Investigation, in his	)	
official capacity,	)	
	)	
<i>Defendant.</i>	)	

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**ORDER**

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Before the Court are Defendants’ motions to require the Tennessee Attorney General to comply with Tenn. Code Ann. § 8-6-109(b)(9) within 60 days. (Docs. 78, 81.) § 8-6-109(b)(9) states that the Tennessee Attorney General has a duty to:

[D]efend the constitutionality and validity of all legislation of statewide applicability, except as provided in subdivision (b)(10), enacted by the general assembly, except in those instances where the attorney general and reporter is of the opinion that such legislation is not constitutional, in which event the attorney general and reporter shall so certify to the speaker of each house of the general assembly[.]

While Defendants do not explicitly request a writ of mandamus against the Tennessee Attorney General, they ask that the Court order the attorney general to fulfill the duty outlined in § 8-6-109(b)(9). The Court construes their motions as petitions for mandamus. Defendants do not cite any authority suggesting that the Court can compel the Tennessee Attorney General—a state officer—to perform the duties listed in § 8-6-109(b)(9). (*See* Doc. 78); *Hoffman v. Stump*, 172 F.3d 48 (Table) (6th Cir. 1998) (“[F]ederal courts may not issue writs of mandamus to compel state officers to act in accordance with state law.” (citations omitted)); *Andrade v. Calif. Dep’t of*

*Corr.*, No. 5:21-CV-00202-FMO-JC, 2021 WL 412267, at \*1 (C.D. Cal. Feb. 4, 2021) (collecting cases). Further, the state of Tennessee is already a party to this action. If the state of Tennessee and Defendant Rausch are dismissed from this action, the Court will act as necessary to comply with 28 U.S.C. § 2403(b). Defendants' motions (Docs. 78, 81) are **DENIED**.

**SO ORDERED.**

*/s/ Travis R. McDonough*

**TRAVIS R. MCDONOUGH**  
**UNITED STATES DISTRICT JUDGE**